

CHARTER
OF THE
Town of North Beach
CALVERT COUNTY, MARYLAND

*As found in the Public Local Laws of Calvert County
1981 Edition, as amended*

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CONTENTS

SUBTITLE 1 General Corporate Powers

Section

19-101. General corporate powers.

SUBTITLE 2 Corporate Limits

19-201. Corporate limits.

SUBTITLE 3 The Council

19-301. Number; election; term.
19-302. Qualifications of Councilmen.
19-303. Salary of Councilmen.
19-304. Meeting of the Council.
19-305. Council to be judge of qualifications of its members.
19-306. President of the Council.
19-307. Quorum.
19-308. Procedure of Council.
19-309. Vacancies in Council.
19-310. Councilmen absent from regular meeting.
19-311. Ordinances.
19-312. Veto.
19-313. Referendum.
19-314. Files of ordinances.

SUBTITLE 4 The Mayor

19-401. Selection and term.
19-402. Qualifications of Mayor.
19-403. Salary of the Mayor.
19-404. Powers and duties.

SUBTITLE 5 General Powers

- 19-501. General powers.
- 19-502. Exercise of powers.
- 19-503. Enforcement of ordinances; municipal infractions.

SUBTITLE 6 Voters, Registration, Nominations

- 19-601. Qualifications of a voter.
- 19-602. Board of supervisors of elections.
- 19-603. Removal.
- 19-604. Clerk.
- 19-605. Notice.
- 19-606. Registration, time and place.
- 19-607. Registration Appeals.
- 19-608. Nominations.
- 19-609. Election of Mayor, Councilmen.
- 19-610. Conduct of elections.
- 19-611. Special Elections.
- 19-612. Vote count.
- 19-613. Tie votes.
- 19-614. Preservation of ballots.
- 19-615. Vacancies.
- 19-616. Regulation and control.
- 19-617. Penalties.

SUBTITLE 7 Finances

- 19-701. Treasurer.
- 19-702. Powers and duties of Treasurer.
- 19-703. Bond of Treasurer.
- 19-704. Fiscal year.
- 19-705. Budget.
- 19-706. Budget adoption.
- 19-707. Appropriations.
- 19-708. Transfer of funds.
- 19-709. Over-expenditure forbidden.
- 19-710. Appropriations lapse after one year.
- 19-711. Checks.
- 19-712. Taxable property.
- 19-713. Budget authorizes levy.
- 19-714. Notice of tax levy.

- 19-715. When taxes are overdue.
- 19-716. Sale of tax delinquent property.
- 19-717. Fees.
- 19-718. Audit.
- 19-719. Tax anticipation borrowing.
- 19-719(A). Long Term Borrowing.
- 19-720. Payment of indebtedness.
- 19-721. Previous issues.
- 19-722. Purchasing and contracts.

**SUBTITLE 8
Personnel**

- 19-801.
- 19-802. Town attorney.
- 19-803. Authority to employ personnel.
- 19-804. Retirement system.
- 19-805. Compensation of employees.
- 19-806. Employee benefit programs.
- 19-807. Non-Merit and Merit Service.
- 19-808. Appointment and Termination of Non-Merit Service Employees.

**SUBTITLE 9
Public Ways and Sidewalks**

- 19-901. Definition of public ways.
- 19-902. Control of public ways.
- 19-903. Public ways; powers.
- 19-904. Sidewalks; powers.

**SUBTITLE 10
Water and Sewers**

- 19-1001. Powers.
- 19-1002. Placing structures in public ways.
- 19-1003. Obstructions.
- 19-1004. Entering on county public ways.
- 19-1005. Connections.
- 19-1006. Charge for connections.
- 19-1007. Improper uses.
- 19-1008. Private systems.
- 19-1009. Extensions beyond boundaries.
- 19-1010. Right of entry.
- 19-1011. Pollution of water supply.

- 19-1012. Contracts for water.
- 19-1013. Charges.

SUBTITLE 11

Special Assessments

- 19-1101. Power; special assessments.
- 19-1102. Procedure.

SUBTITLE 12

Town Property

- 19-1201. Acquisition, possession, and disposal.
- 19-1202. Condemnation.
- 19-1203. Town buildings.
- 19-1204. Protection of town property.

SUBTITLE 13

General Provisions

- 19-1301. Oath of office.
- 19-1302. Official bonds.
- 19-1303. Prior rights and obligations.
- 19-1304. Effect of Charter on existing ordinances.
- 19-1305. Separability.

APPENDIX I

North Beach Community Development

- A1-101. Definitions.
- A1-102. Powers.
- A1-103. Additional Powers.
- A1-104. Establishment of Community Development Agency.
- A1-105. Powers Withheld From the Agency.
- A1-106. Initiation of Project.
- A1-107. Preparation and Approval of Plan for Community Development Project.
- A1-108. Disposal of Property in Community Development Area.
- A1-109. Eminent Domain.
- A1-110. Encouragement of Private Enterprise.
- A1-111. General Obligation Bonds.
- A1-112. Revenue Bonds.
- A1-113. Short Title.
- A1-114. Authority to Amend or Repeal.

NORTH BEACH

SUBTITLE 1

General Corporate Powers

Section 19–101. General corporate powers.

The inhabitants of the Town of North Beach in Calvert County, Maryland within the corporate limits legally established from time to time are hereby continued a body corporate by the name of “The Town of North Beach”, with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the charter and the corporate existence are legally abrogated. (Res. March 13, 1969; P.L.L. 1963, sec. 186(1).)

SUBTITLE 2

Corporate Limits

Section 19–201. Corporate limits.

The courses and distances showing the exact corporate limits of the town shall be filed at all times with the Clerk of the Circuit Court in Calvert County, the Commissioner of the Land Office and the Director of the Department of Legislative Reference [Services]. In addition, a copy of the courses and distances describing the corporate boundaries shall be on file in the office of the Mayor or of the Clerk. All the officials named in this section are hereby directed to file or record all such descriptions of corporate boundaries so filed with them, each in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours. The limits of the Town of North Beach shall include all the territory within the following boundaries:

The boundary limits of North Beach shall be as follows: So much of the land embraced in the subdivision heretofore called “North Chesapeake Beach,” and shown on a plat thereof, recorded among the Land Records of Calvert County aforesaid, in Liber G.W.D. No. 1, folio 497, which lies east of the west line of Detroit Avenue as shown on said plat (the said Detroit Avenue now being known as Greenwood Avenue), together with the portion of the Chesapeake Bay abutting thereon, eastward for a distance of five thousand feet. The said town shall have and exercise full police powers within and for a distance of five thousand feet beyond the land boundaries thereof. (Res. March 13, 1969; Res. 05–00, 7–21–00; Res. 04–01, 4–2–04; P.L.L. 1963, sec. 187(2).)

SUBTITLE 3

The Council

Section 19-301. Number; election; term.

All legislative powers of the Town shall be vested in a Council consisting of six Councilmen who shall be elected as hereinafter provided and who shall hold office for a term of four years or until the succeeding Council takes office. The regular term of Councilmen shall expire on the second Friday following the election of their successors. (Res. March 13, 1969; Res. No. 5-82, May 28, 1982; Res. No. 7-82, August 13, 1982; P.L.L. 1963, sec. 188(3).)

Section 19-302. Qualifications of Councilmen.

Councilmen shall have resided in the Town for at least six months prior to the date of the election and shall continue to reside in the Town during his entire term of office. He must be twenty-one years of age on or before the election and be a registered voter in the Town. (Res. March 13, 1969; Res. 8-72, August 24, 1972; Res. No. 8-82, August 13, 1982; P.L.L. 1963, sec. 189(4).)

Section 19-303. Salary of Councilmen.

Each Councilman may receive an annual salary which shall be equal for all Councilmen and shall be as specified from time to time by an ordinance passed by the Council in the regular course of its business; provided, however, that the salary specified at the time any Council takes office shall not be changed during the period for which that Council was elected. The ordinance making any change in the salary paid to the several Councilmen, either by way of increase or decrease, shall be finally ordained prior to the municipal election for the members of the next succeeding Council and shall take effect only as to the members of the next succeeding Council. (Res. March 13, 1969; P.L.L. 1963, sec. 190(5).)

Section 19-304. Meeting of the Council.

The newly elected Council shall meet at 8:00 P.M. on the second Friday following its election for the purpose of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than once each month. Special meetings shall be called by the Clerk upon the request of the Mayor or a majority of the members of the Council. All meetings of the Council shall be open to the public, and the rules of the Council shall provide that residents of the Town shall have a reasonable opportunity to be heard at any meeting in regard to any municipal question; provided that pursuant to a vote of a majority of the members present, an executive session may be held, only for the following reasons: personnel matters; legal matters; land acquisition matters or when specifically required by the constitution, statute or judicial order. (Res. March 13, 1969; Res. No. 8-82, August 13, 1982; Res. No. 4-88, Sept. 30, 1988; Res. 05-00, 7-21-00; Res. 04-01, 4-2-04; P.L.L. 1963, sec. 191(6).)

Section 19–305. Council to be judge of qualifications of its members.

The Council shall be the judge of the election and qualification of its members. (Res. March 13, 1969; P.L.L. 1963, sec. 192(7).)

Section 19–306. President of the Council.

The Mayor shall serve as president of the Council. The Mayor or Acting President may take part in all discussions, and may vote only in case of a tie vote; he shall have the deciding vote. The Council shall elect a Vice President of the Council from among its members who shall act as President of the Council in the absence of the President of the Council. (Res. March 13, 1969; P.L.L. 1963, sec. 193(8).)

Section 19–307. Quorum.

Four members of the Council shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the whole number of members elected to the Council, except such action as is indicated in Section 12 (19–310) of this Charter. (Res. March 13, 1969; P.L.L. 1963, sec. 194(9).)

Section 19–308. Procedure of Council.

The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings and enter therein the yeas and nays upon final action on any question, resolution, or ordinance, or at any other time if required by any one member. The journal shall be open to public inspection. (Res. March 13, 1969; P.L.L. 1963, sec. 195(10).)

Section 19–309. Vacancies in Council.

Vacancies in the Council shall be filled as provided in Section 36 (19–615) of this Charter. (Res. March 13, 1969; P.L.L. 1963, sec. 196(11).)

Section 19–310. Councilmen absent from regular meeting.

If any Councilman is absent for more than two regular Council meetings in succession without an excuse determined valid by the Council, such as personal illness, his seat may be declared vacant by a majority vote of the Council provided that at least a quorum is present to conduct business and such vacancy shall be filled as provided in Section 36 (19–615) of this Charter. (Res. March 13, 1969; P.L.L. 1963, sec. 197(12).)

Section 19–311. Ordinances.

No ordinance shall be passed at the meeting at which it is introduced at any regular or special meeting of the Council. After introduction, an ordinance may be passed of [at] the next regular or special meeting, held not less than 10 days after introduction or of [at] the second

subsequent regular or special meeting. If not passed within the above time frame, the ordinance must be reintroduced. It shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency the above requirement may be suspended by the affirmative votes of five members of the Council. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty calendar days following approval by the Mayor or passage by the Council over his veto. A fair summary of each ordinance shall be published at least twice in a county newspaper and also posted in the Town Hall. An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the Council. (Res. March 13, 1969; Res. 05-00, 7-21-00; P.L.L. 1963, sec. 198(13).)

Section 19-312. Veto.

All ordinances passed by the Council shall be promptly delivered by the Clerk to the Mayor for his approval or disapproval. If the Mayor approves any ordinance, he shall sign it. If the Mayor disapproves any ordinance, he shall not sign it. The Mayor shall return all ordinances to the Clerk within six days after delivery to him (including the days of delivery and return and excluding Sunday) with his approval or disapproval. Any ordinance approved by the Mayor shall be law. Any ordinance disapproved by the Mayor shall be returned with a message stating the reasons for his disapproval. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of five-sixths of the whole Council within thirty-five calendar days from the time of the return of the ordinance. If the Mayor fails to return any ordinance within six days of its delivery as aforesaid, it shall be deemed to be approved by the Mayor and shall become law in the same manner as an ordinance signed by him. (Res. March 13, 1969; Res. 05-00, 7-21-00; Res. 04-01, 4-2-04; P.L.L. 1963, sec. 199(13A).)

Section 19-313. Referendum.

If, before the expiration of twenty calendar days following approval of any ordinance by the Mayor or passage of any ordinance over the Mayor's veto, a petition is filed with the Clerk containing the signatures of not less than twenty per centum (20%) of the qualified voters of the Town and requesting that the ordinance, or any part thereof, be submitted to a vote of the qualified voters of the Town for their approval or disapproval, the Council shall have the ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the Town, at the next regular town election or, in the Council's discretion, at a special election occurring before the next regular election. No ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty days following receipt of the petition, then the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, disapproved by the voters, shall stand repealed. The provisions of this section shall not apply to any ordinance, or part thereof, passed under the authority of Section 64 (19-720) levying

property taxes for the payment of indebtedness, but the provisions of this section shall apply to any ordinance, or any part thereof, levying special assessment charges under the provisions of Sections 94 and 95 (19-1101 and 19-1102). The provisions of this section shall be self-executing, but the Council may adopt ordinances in furtherance of these provisions and not in conflict with them. (Res. March 13, 1969; Res. 05-00, 7-21-00; Res. 04-01, 4-2-04; P.L.L. 1963, sec. 200(13b).)

Section 19-314. Files of ordinances.

Ordinances shall be permanently filed by the Clerk and shall be kept available for public inspection. (Res. March 13, 1969; P.L.L. 1963, sec. 201(14); Res. No. 9-99, 8-6-99; Res. 04-01, 4-2-04.)

**SUBTITLE 4
The Mayor**

Section 19-401. Selection and term.

The Mayor shall be elected as hereinafter provided and shall hold office for a term of four years or until his successor is elected and qualified. The newly elected Mayor shall take office on the second Friday following his election. (Res. March 13, 1969; Res. No. 5-82, May 28, 1982; Res. No. 7-82, August 13, 1982; P.L.L. 1963, sec. 202(15).)

Section 19-402. Qualifications of Mayor.

The Mayor shall have resided in the Town for at least six months prior to the date of the election and shall continue to reside in the Town for the entire term of his office. He must be twenty-one years of age on or before the election and be a registered voter in the Town. (Res. March 13, 1969; Res. No. 8-82, August 13, 1982; P.L.L. 1963, sec. 203(16).)

Section 19-403. Salary of the Mayor.

The Mayor may receive an annual compensation as set from time to time by an ordinance passed by the Council in the regular course of business. Provided, however, that no change shall be made in the compensation for any Mayor during the term for which he was elected. The ordinance making any change in the compensation paid to the Mayor, either by way of increase or decrease, shall be finally ordained prior to the municipal election to elect the next succeeding Mayor, and shall take effect only as to the next succeeding Mayor. (Res. March 13, 1969; P.L.L. 1963, sec. 204(17).)

Section 19-404. Powers and duties.

a. The Mayor shall see that the ordinances of the Town are faithfully executed and shall be the Chief Executive Officer, and the head of the administrative branch of the Town government.

b. The Mayor may appoint committee members and designate Chairmen of such committees consistent with the Ordinances of the Town.

c. The Mayor each year shall report to the Council the condition of municipal affairs and make such recommendations as he deems proper for the public good and the welfare of the Town.

d. The Mayor shall have complete supervision over the financial administration of the Town government. He shall prepare or have prepared annually a budget and submit it to the Council. He shall supervise the administration of the budget as adopted by the Council. He shall supervise the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

e. The Mayor shall have veto power as herein provided and such other powers and perform such other duties as may be prescribed by this Charter or as may be required of him by the Council, not inconsistent with this Charter. (Res. March 13, 1969; Res. 12-72, November 9, 1972; Res. 1C-74, May 9, 1974—Emergency Measure; P.L.L. 1963, sec. 205(18).)

SUBTITLE 5

General Powers

Section 19-501. General powers.

(a) *General powers.* The Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein.

(b) *Specific Powers.* The Council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes:

(1) *Advertising.* To provide for advertising for the purpose of the Town, for printing and publishing statements as to the business of the Town.

(2) *Aisles.* To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.

(3) *Amusements.* To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.

(4) *Appropriations.* To appropriate municipal monies for any purpose within the powers of the Council.

(5) *Auctioneers.* To regulate the sale of all kinds of property at auction within the Town and to license auctioneers.

(6) *Band.* To establish a municipal band, symphony orchestra or other musical organization, and to regulate by ordinance the conduct and policies thereof.

(7) *Billboards.* To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the City, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the Town.

(8) *Bridges.* To erect and maintain bridges.

(9) *Buildings.* To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the Town, and to grant building permits for the same; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

(10) *Cemeteries.* To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.

(11) *Codification.* To provide for the codification of all ordinances which have been or may hereafter be passed.

(12) *Community Services.* To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town.

(13) *Cooperative Activities.* To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(14) *Curfew.* To prohibit the youth of the Town from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

(15) *Dangerous Conditions.* To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

(16) *Departments.* To create, change, and abolish offices, departments, or agencies, other than the offices, departments and agencies established by this Charter; to assign additional functions of [or] duties to offices, departments, or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

(17) *Disorderly Houses.* To suppress bawdy houses, disorderly houses and houses of ill fame.

(18) *Dogs.* To regulate the keeping of dogs in the Town and to provide wherever the county does not license or tax dogs, for the licensing and taxing of the same; to provide for the disposition for [of] homeless dogs and dogs on which no license fee or taxes are paid.

(19) *Elevators.* To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

(20) *Explosives.* To regulate or prevent the storage of gunpowder, oil or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.

(21) *Filth.* To compel the occupant of any premises, building or outhouse situated in the Town, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

(22) *Finances.* To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the Town.

(23) *Fire.* To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the Town; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of Town fire-hazard regulations are met; to install and maintain fire plugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the Town.

(24) *Food.* To inspect and to require the condemnation of, if unwholesome, and to regulate the sale of, any food products.

(25) *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the Town,

subject, however, to the limitations and provisions of Article 23 of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty years.

(26) *Gambling.* To regulate or restrain and prohibit gambling.

(27) *Garbage.* To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(28) *Grants-in-Aid.* To accept gifts and grants of Federal or of State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.

(29) *Hawkers.* To license, tax, regulate, suppress and prohibit hawkers and intinerant [itinerant] dealers, peddlers, pawnbrokers and all other persons selling any articles on the streets of the Town, and to revoke such licenses for cause.

(30) *Health.* To protect and preserve the health of the Town and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the Town; to establish quarantine regulations and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures, or places which cause or may cause unsanitary conditions or conditions detrimental to health, provided, that nothing herein shall be construed to affect in any manner any of the powers and duties of the State Department of Health and Mental Hygiene, the County Board of Health, or any public general or local law relating to the subject of health.

(31) *House Numbers.* To regulate the numbering of houses and lots and to compel owners to renumber the same or in default thereof to authorize and require the same to be done by the Town at the owner's expense, such expense to constitute a lien upon the property collectible as tax monies.

(32) *Jail.* To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the Town or to use the County Jail for such purpose.

(33) *Licenses.* Subject to any restriction imposed by the public general laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the Town for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place of amusement or business: to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

(34) *Liens.* To provide that any valid charges, taxes or assessments made against any real property within the Town shall be liens upon such property, to be collected as municipal taxes are collected.

(35) *Lights.* To provide for the lighting of the Town.

(36) *Livestock.* To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs or other animals; to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.

(37) *Markets.* To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the Town.

(38) *Minor Privileges.* To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares, and merchandise.

(39) *Noise.* To regulate or prohibit unreasonable ringing of bells, crying of goods or sounding of whistles and horns.

(40) *Nuisances.* To prevent or abate by appropriate ordinance all nuisances in the Town which are so defined at common law, by this Charter, or by the laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the Town of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection the Town may regulate, prohibit, control the location of, or require the removal from the Town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration, not limitation.

(41) *Obstructions.* To remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining thereto, or any other places within the limits of the Town.

(42) *Parking Facilities.* To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, and maintain parking lots and other facilities for off street parking.

(43) *Parking Meters.* To install parking meters on the streets and public places of the Town in such places as they shall by ordinance determine, and by ordinance to prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Highway Administration must first be approved by the Commission.

(44) *Parks and Recreation.* To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the Town.

(45) *Police Force.* To establish, operate and maintain a police force. All Town policemen shall, within the municipality, have the powers and authority of constables in this State.

(46) *Police Powers.* To prohibit, suppress, and punish within the Town all vice, gambling and games of chance; prostitution and solicitation therefore and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.

(47) *Property.* To acquire by conveyance, purchase or gift, real or leasable property for any public purposes; to erect buildings and structures thereon for the benefit of the Town and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty days public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the Town.

(48) *Quarantine.* To establish quarantine regulations in the interests of the public health.

(49) *Regulations.* To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similiar [similar] regulations not in conflict with the laws of the State of Maryland or with this Charter.

(50) *Sidewalks.* To regulate the use of sidewalks and all structures in, under, or above the same; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions; to prescribe hours for cleaning sidewalks.

(51) *Sweepings.* To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, or other unwholesome materials into any public way or onto any public or private property in the Town.

(52) *Taxicabs.* To license, tax and regulate public hackmen, taxi-cab men, draymen, drivers, cabmen, porters and expressmen, and all other persons pursuing like occupations.

(53) *Vehicles.* To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

(54) *Voting Machines.* To purchase, lease, borrow, install, and maintain voting machines for use in Town elections.

(55) *Zoning.* To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, subject, however, to the limitations and provisions of said article.

(c) *Saving Clause.* The enumeration of powers in this section is not [to] be construed as limiting the powers of the Town to the several subjects mentioned. (Res. March 13, 1969; Res. 05-00, 7-21-00; P.L.L. 1963, sec. 206(19).)

Section 19-502. Exercise of powers.

For the purpose of carrying out the powers granted in this subtitle or elsewhere in this Charter, the Council may pass all necessary ordinances. All the powers of the Town shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed then in such manner as may be prescribed by ordinance. (Res. March 13, 1969; P.L.L. 1963, sec. 206A(20).)

Section 19-503. Enforcement of ordinances; municipal infractions.

A. To ensure the observance of the Ordinances of The Town, the Council has the power to provide that violation thereof shall be a misdemeanor, unless otherwise specified as an infraction, and has the power to affix thereto penalties of a fine not exceeding \$1,000.00 or imprisonment for not exceeding ninety days, or both such fine and imprisonment. Any person subject to any fine, forfeiture, or penalty has the right of appeal within ten days to the Circuit Court of the county in which the fine, forfeiture, or penalty was imposed. The Council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

B. 1. The Council hereby provides that violations of any municipal Ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the State or other Ordinance. For purposes of this Article, a municipal infraction is a civil offense.

2. A fine not to exceed \$1,000.00 may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may by [be] assessed a fine not to exceed \$1,000.00 for each repeat offense, and each day a violation continues shall constitute a separate offense.

3. Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the Town in writing of this intention at least five days prior to the date set for payment of the fine. Failure to pay the fine or to give notice of intent to stand trial may result in an additional fine or adjudication by the Court.

4. Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction. (Res. March 13, 1969; Res. 2-79, March 14, 1979; Res. 05-00, 7-21-00; P.L.L. 1963, sec. 206B(2).)

SUBTITLE 6 Voters, Registration, Nominations

Section 19-601. Qualifications of a voter.

Any person who is a citizen of the United States, who is eighteen years of age on or before the day of the next election, who is a resident of the Town for thirty (30) days preceding the next election and/or who is the owner of real property within the Town for thirty (30) days preceding the next election, whether such real property be owned individually or jointly, shall be registered as a qualified voter. (Res. March 13, 1969; Res. 1-72, March 9, 1972; Res. 8-72, August 24, 1972; Res. 1C-86, 3-13-86; P.L.L. 1963, sec. 207(22).)

Section 19-602. Board of supervisors of elections.

The Mayor shall appoint, with the approval of the Council, on or before the first day of April preceding the next general election, three persons who shall constitute the Board of Supervisors of Elections. The appointed members shall be residents and registered voters in the Town for a period of at least two years preceding their appointments. The appointed members of the Board shall commence to serve on the Board on April 1 following their appointment and shall continue to serve on the Board until April 1 preceding the next general election or until their successors are appointed and qualified, unless sooner removed for good cause shown.

The Mayor shall at the same time and in a like manner appoint to the Board two substitute members.

If a member of the Board dies, resigns, or is disqualified, one of the substitute members shall be appointed by the Mayor to become the member of the Board to fill the vacancy and shall be bound by all applicable provisions of this article as it pertains to a member of the Board. If a member of the Board is incapacitated for any reason, the substitute member shall serve in the incapacitated member's place until the incapacity has ceased and shall have all the powers and authority, including the right to vote, and be subject to the duties imposed on an appointed member of the Board by law.

A member or substitute member of the Board may not hold any public or party office or be a candidate for any such office, use his official authority or influence for the purpose of interfering with or affecting the result of an election, or take an active part in political management or in political campaigns [campaigns].

Before entering upon the duties of their office, members and substitute members of the Board shall each take and subscribe to the oath prescribed in Article 1, Subsection 9 of the Constitution, which oath shall be taken before the Mayor and duly recorded by the Clerk. Within ten days after their appointments become effective, the members shall organize as a Board by electing one of their members as President.

The compensation of the Board or their judges and/or other appointees shall be determined by the Council. (Res. March 13, 1969; Res. No. 5-82, May 28, 1982; Res. 1C-86, 3-13-86; Res. 05-00, 7-21-00, Res. 04-01, 4-2-04; P.L.L. 1963, sec. 208(23).)

Section 19-603. Removal.

Any member of the Board of Supervisors of Elections may be removed for good cause by the Mayor and Council. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges against him and shall have a public hearing on them before the Mayor and Council if he so requests within ten days after receiving the written copy of the charges against him. (Res. March 13, 1969; Res. 1C-86, 3-13-86; P.L.L. 1963, sec. 209(24).)

Section 19-604. Clerk.

The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations, maintenance and accuracy of the voter list and all Town elections. The board may appoint election clerks, election judges, and other employees to assist it in any of its duties, whose compensation shall be set by the Council. The Town Clerk shall serve as the Clerk to the Board of [Supervisors of] Elections and shall record and maintain all records of the Board. (Res. March 13, 1969; Res. No. 7-82, August 13, 1982; Res. 1C-86, 3-13-86; Res. No. 9-99, 8-06-99; Res. 04-01, 4-2-04; P.L.L. 1963, sec. 210(25).)

Section 19-605. Notice.

The Board of Supervisors of Elections shall provide public notice of the days, hours, and places set for registration, of any changes authorized by the Board in such hours and places, and, when supplemental registration is authorized, to give at least seven (7) days public notice of the hours and places of such supplemental registration. Such notice shall be given in newspapers of general circulation within the Town. At the discretion of the Board, notices may also be posted in such public places as the Board may determine. (Res. March 13, 1969; Res. 1C-86, 3-13-86; P.L.L. 1963, sec. 211(26).)

Section 19-606. Registration, time and place.

There shall be facilities and staff available to conduct voter registration five (5) days a week, excluding legal holidays as are honored by the Town, at the office of the Board in the Town Municipal Building or other suitable sites if so determined by the Board, during the normal business hours of the Administrative Branch of the Town government. If deemed necessary for the performance of registration or the greater convenience of the public, the Board may designate additional days and/or hours for purposes of registration. In addition to the five days specified herein, there must be designated at least one evening per week when facilities and staff will be available until 9:00 p.m. for a period beginning on the seventh Monday preceding the last day of registration for purposes of registration. A person registered on August 7, 1982, or at any time thereafter as a qualified voter in the Town of North Beach shall not be required to register again unless such registration shall be canceled by the Board of Supervisors of Elections

for good and just cause. A current registration list shall be maintained by the Board and may be purchased by any person so requesting for a fee as set by the Council. (Res. March 13, 1969; Res. 11-72, October 12, 1972; Res. No. 7-82, August 13, 1982; P.L.L. 1963, sec. 214(27).)

Section 19-607. Registration Appeals.

Any person who feels aggrieved at any action of the Board of Supervisors of Elections shall have the right of appeal, from a refusal to register him as a qualified voter, the removal of his name from the qualified voter registration list, or by any other action by the Board. Such appeal may be brought at any time, except that it may not be later than the third Tuesday preceding the election. An appeal shall be taken by filing a petition, verified by affidavit, to the Circuit Court for Calvert County and asking to have the registry corrected. The Court may, upon the presentation of evidence satisfactory to it, in its discretion, dispose of the matter summarily or, in its discretion, otherwise set the matter for hearing and direct notice of hearing to be issued. Upon appropriate order of Court, the Board of Supervisors of Elections shall make the required corrections indicating that such changes have been made pursuant to order of the Court. An appeal may be taken from any ruling of the such Court to the Court of Special Appeals. Any such appeal shall be taken within five (5) days of the decision complained of, and the appeal shall be heard and decided upon by the Court of Special Appeals as soon after the transmission of the record as practicable. (Res. March 13, 1969; Res. 1C-86, 3-13-86; P.L.L. 1963, sec. 213(28).)

Section 19-608. Nominations.

Each person seeking nomination to public office at the general election for the Town of North Beach shall file a certificate of candidacy for nomination. Such person who is a candidate for public office must be a full-time resident and registered voter of the Town of North Beach. Certificates of candidacy shall be filed under oath with the Board of Supervisors of Elections no later than five p.m. on the Monday which is ten (10) weeks or seventy (70) days before the day on which the general election should be held. If the filing date should occur on a legal holiday, the certificates must be received and filed no later than five p.m. on the next regular business day which is not a legal holiday. No certificate of candidacy shall contain the name of more than one candidate for each office to be filed [filled]. No person shall file as a candidate for more than one public office at any election. Each candidate for public office shall attest by oath in writing on the certificate of candidacy that he is not a candidate for any another [other] public office. Before finally placing the name of such a candidate on the ballot at the succeeding election, the Board of Supervisors of Elections shall determine that the candidate meets the registration requirements. The use of nicknames, titles, degrees, or other professional designations on the certificate of candidacy is prohibited. Certificates of candidacy shall include a space in which the candidate is to designate the listing of his name as he wishes it to appear on the ballot by designation of any given name or names, plus the initial letter of other given name or names, if any, and surnames. (Res. March 13, 1969; Res. No. 7-82, August 13, 1982; Res. 1C-86, 3-13-86; P.L.L. 1963, sec. 214(29).)

Section 19–609. Election of Mayor, Councilmen.

On the Tuesday after the first Monday in November 1986 and every four years thereafter, the qualified voters shall elect a Mayor and six Councilmen for terms of four years. (Res. March 13, 1969; Res. 11–72, October 12, 1972; Res. No. 5–82, May 28, 1982; Res. 1C–86, 3–13–86; P.L.L. 1963, sec. 214(30).)

Section 19–610. Conduct of elections.

It shall be the responsibility of the Board of Supervisors of Elections to provide for each general election and special election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. Such places as designated for voting shall be free of any handicap barriers. The names of candidates for every office shall be arranged alphabetically according to their surnames. The use of nicknames, titles, degrees, or other professional designations on the ballot is absolutely prohibited. The ballots shall not indicate or designate any party affiliation of any candidate named on the ballot. The polling place shall be opened by the Board of Supervisors of Elections and/or by their appointed judges at 7:00 o'clock a.m. on the day of election and the polling place and/or places shall remain open until 8:00 o'clock p.m. on the same day, when the polling place and/or places shall be closed. (Res. March 13, 1969; Res. 11–72, October 12, 1972; Res. No. 7–82, August 13, 1982; Res. 1C–86, 3–13–86; P.L.L. 1963, sec. 214C(31).)

Section 19–611. Special Elections.

All special Town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular Town elections. (Res. March 13, 1969; Res. 1C–86, 3–13–86; P.L.L. 1963, sec. 214D(32).)

Section 19–612. Vote count.

Within forty–eight hours after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the Clerk of the Town who shall record the result in the minutes of the Council. The Candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The six candidates for Councilmen with the highest number of votes in the said election shall be declared elected as Councilmen. Certificates of election shall be issued to all newly elected officials and recorded with the Clerk of the Circuit Court for Calvert County. (Res. March 13, 1969; Res. 11–72, October 12, 1972; Res. No. 7–82, August 13, 1982; Res. 1C–86, 3–13–86; Res. 05–00, 7–21–00; Res. 04–01, 4–2–04; P.L.L. 1963, sec. 214E(33).)

Section 19–613. Tie votes.

Should the election result in a tie vote for Mayor, the Board of Supervisors of Elections shall call for a special election at the earliest possible date, but not later than sixty (60) days after the election in which the tie votes occurred. Should the election result in a tie vote for no more than two council positions, the newly elected members of the Council shall select the candidates

to fill those positions by majority vote. Should the decision of selecting a candidate by the Council result in a tie vote for any of the candidates, the Board of Supervisors of Elections shall hold a special election to select the candidate to fill the position from those candidates receiving tie votes. Should a special election be necessary, the incumbent official shall remain in office until the new official for such position has been selected. Should there be less than four Council persons elected in the general election as a result of the votes of the general election, a special election shall be held to select all candidates receiving tie votes. The Board of Supervisors of Elections shall hold all such special elections as soon after the general election as possible, but not later than sixty (60) days thereafter. (Res. No. 7-82, August 13, 1982; Res. 1C-86, 3-13-86.)

Section 19-614. Preservation of ballots.

All ballots used in any Town election shall be preserved for a period of six months from the date of election. (Res. March 13, 1969; Res. 1C-86, 3-13-86; P.L.L. 1963, sec. 214F(34).)

Section 19-615. Vacancies.

In the event there should occur a vacancy on the Council for any reason, the remaining Council members shall fill such vacancy by electing a qualified person to fill said vacancy for the unexpired term of office, provided a quorum can be obtained. Such person as may be elected by the Council shall meet the same qualifications as that set forth in Subtitle 3, Section 302. If because of vacancies a quorum cannot be obtained to elect and fill said vacancy, the Board of Supervisors of Elections shall call for a special election at the earliest possible date but no later than sixty (60) days after said vacancy occurs for the purpose of electing some qualified person to fill such vacancy. In the event there should occur a vacancy in the office of Mayor for any reason, the Board of Supervisors of Elections shall call for a special election at the earliest possible date but not later than sixty (60) days after the said vacancy occurs, electing some qualified person to fill such vacancy. Such person to be elected to fill the vacancy in office of Mayor shall meet the same qualifications as that set forth in Subtitle 4, Section 403. (Res. March 13, 1969; Res. 1C-86, 3-13-86; P.L.L. 1963, sec. 214G(35).)

Section 19-616. Regulation and control.

The Council shall have the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of registration, nomination, and Town elections and for the prevention of fraud in connection herewith, and for a recount of ballots in case of doubt and fraud. (Res. March 13, 1969; Res. 1C-86, 3-13-86; P.L.L. 1963, sec. 214H(36).)

Section 19-617. Penalties.

Any person violating any of the provisions of this subtitle or any ordinances passed or as may be passed thereunder shall be prosecuted to the fullest extent of the law. (Res. March 13, 1969; Res. No. 7-82, August 13, 1982; Res. 1C-86, 3-13-86; P.L.L. 1963, sec. 214J(38).)

SUBTITLE 7 Finances

Section 19-701. Treasurer.

A. *Selection and Term.* There shall be a Town Treasurer appointed and approved by the Mayor and Council and will serve at the pleasure of the Mayor and Town Council.

B. *Compensation.* The Town Treasurer shall receive such compensation as the Mayor and Town Council fixes from time to time.

C. *Powers.* The financial powers of the Town as provided in [Section] 19-702 shall be exercised by the Treasurer under the supervision of the Mayor and Town Council.

D. *Termination.* Removal of the Treasurer shall be upon the recommendation by the Mayor and the advice and consent of the majority of the full body of the Town Council. (Res. March 13, 1969; Res. No. 8-82, August 13, 1982; Res. No. 4-90, 11-2-90; Res. No. 5-90, 2-1-91; Res. No. 9-99, 8-06-99; Res. 04-01, 4-2-04; P.L.L. 1963, sec. 215(39).)

Section 19-702. Powers and duties of Treasurer.

Under the supervision of the Mayor, the Treasurer shall have authority and shall be required to:

a. Supervise and be responsible for the disbursement of all monies and have control over all expenditures to assure that budget appropriations are not exceeded.

b. Maintain a general accounting system for the Town in such form as the Council may require, not contrary to State Law.

c. Submit monthly and at such other times as the Council may require, a complete financial report to the Council through the Mayor. The audit report shall be submitted by the auditor annually.

d. Ascertain that all taxable property within the Town is assessed for taxation.

e. Collect all taxes, special assessments, license fees, liens, and all other revenues (including utility revenues) of the Town, and all other revenues for whose collection the Town is responsible, and receive any funds receivable by the Town.

f. Have custody of all public monies, belonging to or under the control of the Town, except as to funds in the control of any set of trustees and have custody of all bonds and notes of the Town.

g. Do such other things in relation to the fiscal or financial affairs of the Town as the Mayor or the Council may require or as may be required elsewhere in this Charter.

h. Serve as Office–Manager of the Town Administrative Offices and as Supervisor to the Administrative Assistant to the Treasurer and to the Administrative Secretary/Receptionist.

i. The Treasurer or his or her designee shall attend meetings of the Council and keep a full and accurate account of the proceedings of the Council. The Treasurer or his or her designee shall keep such other records and perform such other duties as he or she may be required by this Charter or by the Council. (Res. March 13, 1969; Res. No. 9–99, 8–06–99; Res. 04–01, 4–2–04; P.L.L. 1963, sec. 216(40).)

Section 19–703. Bond of Treasurer.

The Treasurer shall provide a bond with such corporate surety and in such amount as the Council by ordinance may require. (Res. March 13, 1969; Res. No. 9–99, 8–06–99; Res. 04–01, 4–2–04; P.L.L. 1963, sec. 217(41).)

Section 19–704. Fiscal year.

The Town shall operate on an annual budget. The fiscal year of the Town shall begin on the first day of July and shall end on the last day of June in each year. Such fiscal year shall constitute the tax year, the budget year, and the accounting year. (Res. March 13, 1969; P.L.L. 1963, sec. 218(42).)

Section 19–705. Budget.

The Mayor, on such date as the Council by ordinance shall determine, but at least thirty–two days before the beginning of any fiscal year, shall submit a budget to the Council. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of Treasurer open to public inspection by anyone during normal business hours. (Res. March 13, 1969; Res. No. 9–99, 8–06–99; Res. 04–01, 4–2–04; P.L.L. 1963, sec. 219(43).)

Section 19–706. Budget adoption.

Before adopting the budget the Council shall hold a public hearing thereon after two weeks notice thereof in [a] county newspaper and post in Town Hall. The Council may insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures it shall also increase the total anticipated revenues in an amount at least equal to such total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the Council shall be necessary for adoption. (Res. March 13, 1969; P.L.L. 1963, sec. 220(44).)

Section 19-707. Appropriations.

No public money may be expended without having been appropriated by the Council. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. (Res. March 13, 1969; P.L.L. 1963, sec. 221(45); Res. 1C-85, 5-3-85.)

Section 19-708. Transfer of funds.

Any transfer of funds between major appropriations for different purposes by the Mayor must be approved by the Council before becoming effective. (Res. March 13, 1969; P.L.L. 1963, sec. 222(46).)

Section 19-709. Over-expenditure forbidden.

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law. (Res. March 13, 1969; P.L.L. 1963, sec. 223(47).)

Section 19-710. Appropriations lapse after one year.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year. (Res. March 13, 1969; P.L.L. 1963, sec. 224(48).)

Section 19-711. Checks.

All checks issued in payment of salaries or other municipal obligations shall be issued and signed by both the Treasurer and the Mayor. If either the Mayor or Treasurer is incapacitated or for any other reason unable to sign checks, the Council Vice-President shall have the authority to sign checks on behalf of either the Mayor or the Treasurer. However, all checks shall be signed by at least two of the three above mentioned officials. (Res. March 13, 1969; P.L.L. 1963, sec. 225(49); Res. No. 2C-85, 5-3-85; Res. No. 2-91, C1-91, 6-28-91; Res. No. 9-99, 8-06-99; Res. 04-01, 4-2-04.)

Section 19–712. Taxable property.

All real property and all tangible personal property within the corporate limits of the Town, or personal property which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and County taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any Act of the General Assembly. (Res. March 13, 1969; P.L.L. 1963, sec. 226(50).)

Section 19–713. Budget authorizes levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year. (Res. March 13, 1969; P.L.L. 1963, sec. 227(51).)

Section 19–714. Notice of tax levy.

Immediately after the levy is made by the Council in each year, the Treasurer shall make out and mail or deliver in person to each taxpayer or his agent at his last known address a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve [relieve] any taxpayer of the responsibility to pay on the dates established by this Charter all taxes levied on his property. (Res. March 13, 1969; Res. No. 9–99, 8–06–99; Res. 04–01, 4–2–04; P.L.L. 1963, sec. 228(52).)

Section 19–715. When taxes are overdue.

A. Except as provided for in subsection B, the taxes provided for in Section 51 (19–713) of this Charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest while in the arrears [in arrears] at a rate to be set by resolution of the Mayor and Town Council. All taxes not paid and in arrears after the first day of the second January following the year for which the taxes are levied shall be collected as provided in Section 19–716 of this charter.

B. The owner of an owner–occupied residential property may elect to pay the taxes provided for in Section 19–716 of this charter on a semi–annual basis.

(1) Conditions which must be met to be eligible:

a. The property owner must occupy the property as a principal residence.

b. The First payment, or one-half (1/2) [of] the property taxes must be paid by September 30, and amounts other than taxes that appear on the bill may not be subject to deferment.

c. The Second payment, due January 1st, and must be paid prior to January 31st, will include SERVICE CHARGE to cover the Town's lost interest income, plus an administrative fee to offset additional program costs not to exceed 25% of the Town's lost interest income.

d. If a property owner owns the property and occupies the property as a principal residence and elects a semi-annual payment schedule, but fails to make payment of the first semi-annual amount by September 30th, [the property owner] is electing out of the semi-annual program. If the first semi-annual payment was paid by the due date, by failing to make the second semi-annual payment the property will be subject to TAX SALE (See Section 19-716).

e. The property owner MUST NOTIFY AND MUTUALLY AGREE with holder of mortgage to participate in the semi-annual tax program and the Town is not responsible for any conditions or costs that the mortgage holder may impose for its involvement in the semi-annual payment process.

f. The Town will have an OPEN ENROLLMENT PERIOD for selection of the semi-annual tax option. The OPEN ENROLLMENT PERIOD SHALL BE MARCH 1 THROUGH APRIL 30 each year, and shall be advertised in the local newspaper twice during the month of March. The option on file will remain in effect until revoked in writing by the owner(s) of record.

(2) *Election of schedule.* A semi-annual payment schedule under this subsection may be elected at the time of the transfer of property or on an annual basis during OPEN ENROLLMENT PERIOD by any current or future owner of owner-occupied residential property. A semi-annual payment schedule election made at the time of the transfer of property shall apply to the property tax due for the tax year following the transfer of the property. If real property ownership is transferred between July 1 and January 1, and the transferee elects a semi-annual payment schedule of property tax for the current taxable year, the transferor is liable for any semi-annual property tax installment that may be due for the real property in the current taxable year at the time of transfer, and is not liable for the second semi-annual installment that is due after the date of transfer. The transferee is solely liable for any semiannual property tax installment for the current taxable year that is due after the date of transfer.

(3) *Service charge.* A property owner electing to pay real property taxes under a semi-annual payment schedule authorized by this subsection B shall pay a service charge with the second installment. The service charge shall be adopted by the Town as part of the adoption of the property tax rate under Section 9-713 of this charter, and shall be expressed as a percentage of the amount of tax due at the second installment. The service charge shall be calculated in an amount reasonably equivalent to the anticipated lost interest income associated with the delay in payment of the second installment and the addition of administrative expenses

associated with the semi-annual payment, not exceeding twenty-five percent 25% of the charge for lost interest. The service charge shall not be considered to be a property tax for the purposes of any provisions of any public local law or this charter that limits the property tax rate of property tax revenues.

(4) *Contents of a semi-annual property tax bill.* The property tax bill under a semi-annual schedule shall include two semi-annual payment coupons that may be submitted either separately with the appropriate payment as semi-annual payments or at the same time with a single annual payment, and shall state:

- a. The amount of the tax due if paid in full, including any applicable discounts for early payment;
- b. The amount of the tax due if paid in semi-annual installments, including any applicable discounts for early payment of the first installment;
- c. The amount of the service charge to be paid with the second installment;
- d. The date the tax payment is due.

(5) *Payment due date.* The first installment under a semi-annual schedule is due on July 1st of the tax year and may be paid without interest on or before September 30 of the tax year. The second installment under a semi-annual schedule is due on January 1st of the tax year and except for the service charge, may be paid without interest on or before January 31st of the tax year.

(6) *Payment from escrow account.* If an escrow account is established for the payment of the property tax, the tax shall be paid in annual or semi-annual installments as directed by the owner or borrower. Nothing in this subsection (6) relieves the owner or borrower from making the election required by subsection B.(1). (Res. March 13, 1969; P.L.L. 1963, sec. 229(53); Res. 3-96/C1-96, 5-3-96; Res. No. 1-99, 3-3-99; Res. No. 4-99, 5-14-99.)

Section 19-716. Sale of tax delinquent property.

A list of all property on which the Town taxes have not been paid and which are in arrears as provided by Section 53 (19-715) of this Charter shall be turned over by the Treasurer to the official of the County responsible for the sale of tax delinquent property as provided in State Law. All property listed thereon shall if necessary be sold for taxes by this county official, in the manner prescribed by State Law. If [the] county does not sell the property for taxes, then the Town will have the power to sell the property as prescribed by State Law. (Res. March 13, 1969; Res. No. 9-99, 8-06-99; Res. 04-01, 4-2-04; P.L.L. 1963, sec. 230(54).)

Section 19-717. Fees.

All fees received by an officer or employee of the Town government in his official capacity shall belong to the Town government and be accounted for to the Town. (Res. March 13, 1969; P.L.L. 1963, sec. 231(55).)

Section 19-718. Audit.

The financial books and accounts of the Town shall be audited annually and a management letter submitted by the auditor. A copy of the annual audit and management letter shall be furnished by the auditor to the Treasurer, Mayor and each Councilman. (Res. March 13, 1969; Res. No. 7-82, August 13, 1982; Res. No. 9-99, 8-06-99; Res. 04-01, 4-2-04; P.L.L. 1963, sec. 232(56).)

Section 19-719. Tax anticipation borrowing.

During the first six months of any fiscal year, the Town shall have the power to borrow in anticipation of the collection of the property tax levied for that fiscal year, and to issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall mature and be paid not later than six months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the Town to exceed fifty per centum (50%) of the property tax levy for the fiscal year in which such notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidence of indebtedness shall be authorized by ordinance before being issued. The Council shall have the power to regulate all matter concerning the issuance and sale of tax anticipation notes. (Res. March 13, 1969; P.L.L. 1963, sec. 233(57).)

Section 19-719(A). Long Term Borrowing.

A. The Town may borrow money on a long term basis for certain special projects on the credit of the Town and evidence such borrowing by the issuance of bonds, notes, or other evidences of indebtedness.

B. The borrowing power embodied in this section is specially limited to:

1. Loans needed to construct, operate, and/or maintain a water system and plant as stated in Section 19-1001 of this Charter.

2. Loans needed to construct, operate and/or maintain a sanitary sewage system and sewage treatment plant as stated in Section 19-1001 of this Charter.

3. Loans needed to construct, operate and maintain a storm water drainage system and storm water sewers as stated in Section 19-1001 of this Charter.

C. Sums borrowed for the public projects specified in Subsection B of this Section 19-719(A) shall not exceed, together with the outstanding principal balance of all indebtedness theretofore incurred by the Town for public projects (determined as of the date of such borrowing), 20% of the annual assessable tax base of the Town and shall bear at an interest rate not exceeding the prevailing interest rate. The interest rate obtained by the Town may be obtained by the issuance of bids or by private negotiation whichever is likely to result in the best interest rate for the Town.

D. The provisions of this Section 19-719(A) shall not limit or affect the power of the Town to borrow money and incur indebtedness under the provisions of any other applicable law, including, without limitation, Sections 31 and 39, inclusive, of Article 23A of the Annotated Code of Maryland (or any successor provision of the law), for any public purpose other than the public projects specified in subsection B of this Section 19-719(A). (Res. No. 2-90, 6-22-90; Res. No. 1-92, 4-3-92.)

Section 19-720. Payment of indebtedness.

The power and obligation of the town to pay any and all bonds, notes, or other evidences of indebtedness issued by it under the authority of this charter shall be unlimited and the town shall levy ad valorem taxes upon all the taxable property of the town for the payment of such bonds, notes, or other evidences of indebtedness and interest thereon, without limitation of amount. The faith and credit of the town is hereby pledged for the payment of the principal of and the interest on all bonds, notes, or other evidences of indebtedness, hereafter issued under the authority of this charter, whether or not such pledge be stated in the bonds, notes, or other evidences of indebtedness, or in the ordinance authorizing their issuance. (Res. March 13, 1969; Res. 2-78, May 23, 1978; Res. 1C-84, Nov. 2, 1984; P.L.L. 1963, sec. 234(58).)

Section 19-721. Previous issues.

All bonds, notes, or other evidences of indebtedness validly issued by the Town previous to the effective date of this Charter and all ordinances passed concerning them are hereby declared to be valid, legal, and binding and of full force and effect as if herein fully set forth. (Res. March 13, 1969; P.L.L. 1963, sec. 235(59).)

Section 19-722. Purchasing and contracts.

All purchases and contracts for the Town government shall be made by the Mayor. The Council may provide by ordinance for rules and regulations regarding the use of competitive bidding and contracts for all Town purchases and contracts. All expenditures for supplies, materials, equipment, construction of public improvements, or contractual service involving more than five thousand dollars (\$5,000) shall be made on written contract. The Mayor shall be required to advertise for sealed bids, in such manner as may be prescribed by ordinance, for all such written contracts. Such written contracts shall be awarded to the bidder who offers the lowest or best bid, quality of goods and work, time of delivery of completion, and responsibility of bidders being considered. All such written contracts shall be approved by the Council before becoming effective. The Mayor shall have the right to reject all bids and readvertise. The Town

at any time in its discretion may employ its own forces for the construction or reconstruction of public improvements without advertising for (or readvertising for) or receiving bids. All written contracts may be protected by such bonds, penalties, and conditions as the Town may require. (Res. March 13, 1969; Res. 1C-83, 7-1-83; P.L.L. 1963, sec. 236(60).)

SUBTITLE 8

Personnel

Section 19-801.

Section 19-802. Town attorney.

The Mayor with the approval of the Council may appoint a Town Attorney. The Town Attorney shall be a member of the bar of the Maryland Court of Appeals. The Town Attorney shall be the legal adviser of the Town and shall perform such duties in this connection as may be required by the Council or the Mayor. His compensation shall be determined by the Council. The Town shall have the power to employ such legal consultants as it deems necessary from time to time. (Res. March 13, 1969; P.L.L. 1963, sec. 237A(62).)

Section 19-803. Authority to employ personnel.

The Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other State law and to operate the Town government. (Res. March 13, 1969; P.L.L. 1963, sec. 237B(63).)

Section 19-804. Retirement system.

The Town shall have the power to do all things necessary to include its officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the Town. (Res. March 13, 1969; P.L.L. 1963, sec. 237C(64).)

Section 19-805. Compensation of employees.

The compensation of all officers and employees of the Town shall be set from time to time by an ordinance passed by the Council subject to the restrictions imposed upon establishing the salaries of the Councilmen, Clerk-Treasurer and Mayor. (Res. March 13, 1969; Res. No. 7-82, August 13, 1982; Res. 05-00, 7-21-00; P.L.L. 1963, sec. 237D(65).)

Section 19-806. Employee benefit programs.

The Town is authorized and empowered, by ordinance, to provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and

to expend public monies of the Town for such programs. (Res. March 13, 1969; P.L.L. 1963, sec. 237E(66).)

Section 19–807. Non–Merit and Merit Service.

(a) *Civil Service Divided into Non–Merit and Merit Service.* The Civil Service of the Town shall be divided into the non–merit and merit service.

(b) *Non–Merit Service.* The non–merit service shall comprise of the following offices and positions which shall not be included within the merit system:

(1) The Mayor, the Councilmembers and persons elected to fill vacancies in these positions.

(2) The Town Clerk–Treasurer and the Town Attorney.

(3) The heads and/or division chiefs of all offices, departments and agencies and members of Town Boards and Commissions.

(4) All unpaid offices and positions.

(c) *Merit Service.* The merit service shall comprise of all positions not specifically included by this section in the non–merit service. All offices and positions included in the merit service shall be subject to the merit system rules and regulations which are in effect in the Town. (Res. No. 6–90, 3–1–91; Res. No. 9–99, 8–06–99.)

Section 19–808. Appointment and Termination of Non–Merit Service Employees.

(a) *Appointment.* The Mayor with the advice and consent of the majority of the whole number of the Town Council shall appoint all department heads and division chiefs, the Town Clerk, the Town Treasurer and the Town Attorney.

(b) *Removal or suspension.* Department heads, division chiefs, the Town Clerk–Treasurer and the Town Attorney shall be removed or suspended from office upon recommendation by the Mayor and the advice and consent of a majority of the whole number of the Town Council. (Res. No. 8–90, 3–1–91; Res. No. 9–99, 8–06–99; Res. 04–01, 4–2–04.)

SUBTITLE 9
Public Ways and Sidewalks

Section 19–901. Definition of public ways.

The term “public ways” as used in this Charter shall include all streets, avenues, roads, highways, public thoroughfares, lanes, and alleys. (Res. March 13, 1969; P.L.L. 1963, sec. 238(67).)

Section 19–902. Control of public ways.

The Town shall have control of all public ways in the Town except such as may be under the jurisdiction of the Maryland State Roads Commission. Subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town. (Res. March 13, 1969; P.L.L. 1963, sec. 238A(68).)

Section 19–903. Public ways; powers.

The Town shall have the power:

- (a) To establish, regulate, and change from time to time the grade lines, width, and construction materials of any Town public way or part thereof, bridges, curbs, and gutters.
- (b) To grade, lay out, construct, open, extend, and make new Town public ways.
- (c) To grade, straighten, widen, alter, improve, or close up any existing Town public way or part thereof.
- (d) To pave, surface, repave, or resurface any Town public way or part thereof.
- (e) To install, construct, reconstruct, repair, and maintain curbs and/or gutters along any Town public way or part thereof.
- (f) To construct, reconstruct, maintain, and repair bridges.
- (g) To name Town public ways.
- (h) To have surveys, plans, specifications, and estimates made for any of the above activities or projects or parts thereof. (Res. March 13, 1969; P.L.L. 1963, sec. 238B(69).)

Section 19–904. Sidewalks; powers.

The Town shall have the power:

- (a) To establish, regulate, and change from time to time the grade lines, width, and construction materials of any sidewalk or part thereof on Town property along any public way or part thereof.
- (b) To grade, lay out, construct, reconstruct, pave, repave, repair, extend, or otherwise alter sidewalks on Town property along any public way or part thereof.

(c) To require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow, and other obstructions.

(d) To require and order the owner of any property abutting on any public way in the Town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the Town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are Town taxes or by suit at law. (Res. March 13, 1969; P.L.L. 1963, sec. 238C(70).)

SUBTITLE 10 Water and Sewers

Section 19-1001. Powers.

The Town shall have the power:

- (a) To construct, operate and maintain a water system and water plant.
- (b) To construct, operate, and maintain a sanitary sewerage system and a sewage treatment plant.
- (c) To construct, operate, and maintain a storm water drainage system and storm water sewers.
- (d) To construct, maintain, reconstruct, enlarge, alter, repair, improve, or dispose of all parts, installations, and structures of the above plants and systems.
- (e) To have surveys, plans, specifications, and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- (f) To do all things it deems necessary for the efficient operation and maintenance of the above plants and systems. (Res. March 13, 1969; P.L.L. 1963, sec. 239(71).)

Section 19-1002. Placing structures in public ways.

Any public service corporation, company, or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe, or other structure in the public ways of the Town, shall submit plans to the Town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the Town. Any public service corporation, company, or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe, or other structure interferes with the operation of the water, sewerage, or storm water systems, the Town may order it removed. (Res. March 13, 1969; P.L.L. 1963, sec. 239A(72).)

Section 19–1003. Obstructions.

All individuals, firms, or corporations having mains, pipes, conduits, or other structures, in, on, or over any public way in the Town or in the County which impede the establishment, construction, or operation of any Town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the Town. If necessary to carry out the provisions of this section, the Town may use its condemnation powers provided in Section 92 (19–1202). Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res. March 13, 1969; P.L.L. 1963, sec. 239B(73).)

Section 19–1004. Entering on county public ways.

The Town may enter upon or do construction in, on, or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate, and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant, or storm water sewers provided for in this Charter. Unless required by the county, the Town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way to a condition not inferior to that existing before. (Res. March 13, 1969; P.L.L. 1963, sec. 239C(74).)

Section 19–1005. Connections.

The Town shall provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the Town, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. The Town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sinkdrains, and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res. March 13, 1969; P.L.L. 1963, sec. 239D(75).)

Section 19–1006. Charge for connections.

The Town may make a charge, the amount to be determined by the Council, for each connection made to the Town's water or sewer mains. This charge shall be uniform throughout the Town, but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made. (Res. March 13, 1969; P.L.L. 1963, sec. 239E(76).)

Section 19–1007. Improper uses.

In order to prevent any leakage or waste of water or other improper use of the Town's water system or sewage disposal system, the Town may require such changes in plumbing,

fixtures, or connections as it deems necessary to prevent such waste or improper use. (Res. March 13, 1969; P.L.L. 1963, sec. 239F(77).)

Section 19–1008. Private systems.

The Town may by ordinance provide that no water supply, sewerage, or storm water drainage system, and no water mains, sewers, drains, or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution, or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health, and any cesspool or other private method of sewage disposal affecting or likely to affect adversely the public comfort and health may be deemed a nuisance and may be abated by the Town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor. (Res. March 13, 1969; P.L.L. 1963, sec. 239G(78).)

Section 19–1009. Extensions beyond boundaries.

The Town shall have the power to extend its water or sewerage systems beyond the Town limits. (Res. March 13, 1969; P.L.L. 1963, sec. 239H(79).)

Section 19–1010. Right of entry.

Any employee or agent of the Town, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the Town, shall have the right of entry, for access to water or sewer installations, at all reasonable hours, and after reasonable advance notice to the owner, tenant, or person in possession, upon any premises and into any building in the Town or in the county served by the Town's water or sewage disposal system. Any restraint or hindrance offered to such entry by any owner, tenant, or person in possession, or the agent of any of them, may, by ordinance, be made a misdemeanor. (Res. March 13, 1969; P.L.L. 1963, sec. 239–I(80).)

Section 19–1011. Pollution of water supply.

No person shall do anything which will discolor, pollute, or tend to pollute any water used or to be used in the Town water supply system. Any violation of the provisions of this section shall be a misdemeanor. (Res. March 13, 1969; P.L.L. 1963, sec. 239J(81).)

Section 19–1012. Contracts for water.

The Town, if it deems it advisable, may contract with any party or parties, inside or outside the Town to obtain water or to provide for the removal of sewage. (Res. March 13, 1969; P.L.L. 1963, sec. 239K(82).)

Section 19–1013. Charges.

The Town shall have the power to charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the Town Clerk–Treasurer, and if bills are unpaid within thirty days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as Town taxes or by suit at law. (Res. March 13, 1969; Res. No. 9–99, 8–06–99; P.L.L. 1963, sec. 239L(83).)

SUBTITLE 11 Special Assessments

Section 19–1101. Power; special assessments.

The Town shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation or construction, of water mains, sanitary sewer main, storm water sewers, curbs, and gutters and by the construction and paving of public ways and sidewalks or parts thereof, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes, or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the Town, and any other item of cost which may reasonably be attributed to the project. (Res. March 13, 1969; P.L.L. 1963, sec. 240(84).)

Section 19–1102. Procedure.

The procedure for special assessments, wherever authorized in this Charter, shall be as follows:

- (a) The cost of the project being charged for shall be assessed according to the front foot rule of apportionment or some other equitable basis determined by the Council.
- (b) The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the Town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per centum (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.
- (c) When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

(d) All special assessment charges shall be levied by the Council by ordinance. Before levying any special assessment charges, the Council shall hold a public hearing. The treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Council and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the Town. The Clerk–Treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and not more than thirty days after the Clerk–Treasurer shall have completed publication and service of notice as provided in this section. Following the hearing the Council, in its discretion, may vote to proceed with the project and may levy the special assessment. All special assessment charges in effect at effective date of this Charter shall be declared legal and binding and a [in] full force [and] effect as if herein fully set forth.

(e) Any interested person feeling aggrieved by the levying of any special assessment under the provision of this section shall have the right to appeal to the Circuit Court for the County within ten days after the levying of any assessment by the Council.

(f) Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed thirty years, and in such manner as the Council may determine. The Council shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Council.

(g) All special assessment installments shall be overdue six months after the date on which they become due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as Town taxes or by suit at law.

(h) All special assessments shall be billed and collected by the Treasurer. (Res. March 13, 1969; Res. No. 9–99, 8–06–99; Res. 05–00, 7–21–00; Res. 04–01, 4–2–04; P.L.L. 1963, sec. 240A(85).)

SUBTITLE 12

Town Property

Section 19–1201. Acquisition, possession, and disposal.

The Town may acquire real, person [personal], or mixed property within the corporate limits of the Town for any public purpose by purchase, gift, bequest, devise, lease,

condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the Town. All municipal property, funds, and franchises of every kind belonging to or in the possession of the Town (by whatever prior name known) at the time this Charter becomes effective are vested in the Town, subject to the terms and conditions thereof. (Res. March 13, 1969; P.L.L. 1963, sec. 241(86).)

Section 19–1202. Condemnation.

The Town shall have the power to condemn property of any kind, or interest therein or franchise connected therewith, in fee or as an easement, within the corporate limits of the Town, for any public purpose. Any activity, project, or improvement authorized by the provisions of this Charter or any other State law applicable to the Town shall be deemed to be a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established in Article 33A of the Annotated Code of the Public General Laws of Maryland (1957 Edition, as amended), title “Eminent Domain”. (Res. March 13, 1969; P.L.L. 1963, sec. 241A(87).)

Section 19–1203. Town buildings.

The Town shall have the power to acquire, to obtain by lease or rent, to purchase, construct, operate, and maintain all buildings and structures it deems necessary for the operation of the Town government. (Res. March 13, 1969; P.L.L. 1963, sec. 241B(88).)

Section 19–1204. Protection of town property.

The Town shall have the power to do whatever may be necessary to protect Town property and to keep all Town property in good condition. (Res. March 13, 1969; P.L.L. 1963, sec. 241C(89).)

SUBTITLE 13 General Provisions

Section 19–1301. Oath of office.

(a) Before entering upon the duties of their offices, the Mayor, the Councilmen, the Clerk, the Treasurer, the members of the Board of Supervisors of Elections, and all other persons elected or appointed to any office of profit or trust in the Town government shall take and subscribe the following oath or affirmation: “I,, do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of, according to the Constitution and Laws of this State.”

(b) The Mayor shall take and subscribe this oath or affirmation before the Clerk of the Circuit Court for the County or before one of the sworn deputies of the Clerk. All other persons taking and subscribing the oath shall do so before the Mayor. (Res. March 13, 1969; Res. 9-99, 8-06-99; Res. 04-01, 4-2-04; Res. No. 9-99, 8-06-99; P.L.L. 1963, sec. 242(90).)

Section 19-1302. Official bonds. (See note (2))

The Treasurer, and such other officers or employees of the Town as the Council or this Charter may require, shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the Town. (Res. March 13, 1969; Res. 9-99, 8-06-99; Res. 04-01, 4-2-04; P.L.L. 1963, sec. 243(91).)

Section 19-1303. Prior rights and obligations.

All right, title, and interest held by the Town or any other person or corporation at the time this Charter is adopted, in and to any lien acquired under any prior Charter of the Town, are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing of [or] offenses already committed against any law or ordinance repealed by this Charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this Charter had not become effective. (Res. March 13, 1969; P.L.L. 1963, sec. 244(92).)

Section 19-1304. Effect of Charter on existing ordinances.

(a) All ordinances, resolutions, rules, and regulations in effect in the Town at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed according to the provisions of this Charter.

(b) All ordinances, resolutions, rules, and regulations in effect in the Town at the time this Charter becomes effective which are in conflict with the provisions of this Charter be and the same hereby are repealed to the extent of such conflict. (Res. March 13, 1969; Res. 2-79, March 14, 1979; P.L.L. 1963, sec. 246(94); Prior section 245(93) was repealed by Res. 2-79, March 14, 1979.)

Section 19-1305. Separability.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply. (Res. March 13, 1969; Res. 2-79, March 14, 1979; P.L.L. 1963, sec. 247(95).)

APPENDIX I
North Beach Community Development
 (See Note (1))

Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Blighted area” means an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation, or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (c) “Bonds” means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.
- (d) “Federal government” means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (e) “Municipality” means the Town of North Beach, Maryland.
- (f) “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic. It includes any trustee, receiver, assignee, or other person acting in similar representative capacity.
- (g) “Slum area” means any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light, or sanitary facilities, or any combination of these factors, are detrimental [detrimental] to the public safety, health, or morals.
- (h) “Community development area” means a slum area or a blighted area or a combination of them which the municipality designates as appropriate for a community development block grants project.
- (i) “Community development block grants plan” means a plan, as it exists from time to time, for a community development block grants project. The plan shall be sufficiently complete to indicate whatever land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community development area, zoning and planning changes, if any, land uses, maximum density, and building requirements.
- (j) “Community development block grants project” means undertakings and activities of a municipality in a community development area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in a community development area, or rehabilitation or conservation in a

community development area, or any combination or part of them in accordance with a community development block grants plan. These undertakings and activities may include:

- (1) acquisition of a slum area or a blighted area or portion of them;
- (2) demolition and removal of buildings and improvements;
- (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the community development objectives of this appendix in accordance with the community development block grants plan;
- (4) disposition of any property acquired in the community development area, including sale, initial leasing, or retention by the municipality itself, at its fair value for uses in accordance with the community development block grants plan;
- (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the community development block grants plan;
- (6) acquisition of any other real property in the community development area where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and
- (7) the preservation, improvement, or imbellishment [embellishment] of historic structures or monuments.

Section A1-102. Powers.

- (a) The municipality may undertake and carry out community development block grants projects.
 - (b) These projects shall be limited to:
 - (1) Clearing slums in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas;
 - (2) Acquiring in connection with those projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement, or privilege, including land or property and any right or interest already devoted to public use, by purchase, lease, gift, condemnation, or any other legal means; and
 - (3) Selling, leasing, conveying, transferring or otherwise disposing of any of the land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to

any private, public, or quasi-public corporation, partnership, association, person, or other legal entity.

(c) Land or property taken by the municipality for any of these purposes or in connection with the exercise of any of the powers which are granted by this appendix to the municipality by exercising the power of eminent domain may not be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to the compensation.

(d) All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of these purposes or in connection with the exercise of any of the powers granted by this appendix is declared to be needed or taken for public uses and purposes.

(e) Any or all of the activities authorized pursuant to this appendix, constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended, and public credit extended in furtherance of them.

Section A1-103. Additional Powers.

The municipality has the following additional powers. These powers are declared to be necessary and proper to carry into full force and effect the specific powers granted in this appendix and to fully accomplish the purposes and objects contemplated by the provisions of this section:

(1) to make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify, and amend those plans. These plans may include, but are not limited to:

(i) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings [buildings] and improvements;

(ii) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and

(iii) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community development block grants projects and related activities; and to apply for, accept, and utilize grants of funds from the federal government or other governmental entity for those purposes;

(2) to prepare plans for the relocation of persons (including families, business concerns, and others) displaced from a community development area, and to make relocation payments to or with respect to those persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of payments financed by the federal government;

(3) to appropriate whatever funds and make whatever expenditures as may be necessary to carry out the purposes of this appendix, including, but not limited to:

(i) paying any and all costs and expenses incurred in connection with, or incidental to, the acquisition of land or property, and for the demolition, removal, relocation, renovation, or alteration of land, buildings, streets, highways, alleys, utilities, or services, and other structures or improvements, and for the construction, reconstruction, installation, relocation or repair of streets, highways, alleys, utilities, or services, in connection with community development block grants projects;

(ii) levying taxes and assessments for those purposes;

(iii) borrowing money and applying and accepting advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the State, county, or other public bodies, or from any sources, public or private, for the purposes of this appendix, and giving whatever security as may be required for this financial assistance; and

(iv) investing any community development block grants funds held in reserves or sinking funds or any of these funds not required for immediate disbursement in property or securities which are legal investments for other municipal funds;

(4) (i) to hold, improve, clear, or prepare for redevelopment any property acquired in connection with community development block grants projects;

(ii) to mortgage, pledge, hypothecate, or otherwise encumber that property; and

(iii) to ensure or provide for the insurance of the property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(5) to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreements with other public bodies or agencies (these agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for financial assistance with the federal government for or with respect to a community development block grants project and related activities whatever conditions imposed pursuant to federal laws as the municipality considers reasonable and appropriate;

(6) to enter into any building or property in any community development area in order to make inspections, surveys, appraisals, soundings, or test borings, and to obtain an order for this purpose from the circuit court for the county in which the municipality is situated in the event entry is denied or resisted;

(7) to plan, replan, install, construct, reconstruct, repair, close, or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with a community development block grants project; and to make exceptions from building regulations;

(8) to generally organize, coordinate, and direct the administration of the provisions of this appendix as they apply to the municipality in order that the objective of remedying slum and blighted areas and preventing its causes within the municipality may be promoted and achieved most effectively; and

(9) to exercise all or any part or combination of the powers granted in this appendix.

Section A1–104. Establishment of Community Development Agency.

(a) A municipality may itself exercise all the powers granted by this appendix, or may, if its legislative body by ordinance determines the action to be in the public interest, elect to have the powers exercised by a separate public body or agency.

(b) In the event the legislative body makes that determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix.

(c) The ordinance shall include provisions establishing the number of members of the public body or agency, the manner of their appointment and removal, and the terms of the members and their compensation.

(d) The ordinance may include whatever additional provisions relating to the organization of the public body or agency as may be necessary.

(e) In the event the legislative body enacts this ordinance, all of the powers by this appendix granted to the municipality, from the effective date of the ordinance, are vested in the public body or agency established by the ordinance.

Section A1–105. Powers Withheld From the Agency.

The agency may not:

(a) Pass a resolution to initiate a community development block grants project pursuant to Sections A1–102 and A1–103 of this appendix;

(b) Issue general obligation bonds pursuant to Section A1–109 of this appendix; or

(c) Appropriate funds or levy taxes and assessments pursuant to Section A1–103(3) of this appendix.

Section A1–106. Initiation of Project.

In order to initiate a community development block grants project, the legislative body of the municipality shall adopt a resolution which:

- (a) Finds that one or more slum or blighted areas exist in the municipality;
- (b) Locates and defines the slum or blighted area; and
- (c) Finds that the rehabilitation, redevelopment, or a combination of them, or the area or areas, is necessary and in the interest of the public health, safety, morals, or welfare of the residents of the municipality.

Section A1–107. Preparation and Approval of Plan for Community Development Project.

(a) In order to carry out the purposes of this appendix, the municipality shall have prepared a community development block grants plan for slum or blighted areas in the municipality, and shall approve the plan formally. Prior to its approval of a community development block grants project, the municipality shall submit the plan to the planning body of the municipality for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed community development block grants plan to the municipality within 60 days after receipt of the plan for review. Upon receipt of the recommendation of the planning body or, if no recommendations are received within the 60 days, then without the recommendations, the municipality may proceed with a public hearing on the proposed community development block grants project. The municipality shall hold a public hearing on a community development block grants project after public notice of it by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the community development block grants project under consideration. Following the hearing, the municipality may approve a community development block grants project and the plan therefor if it finds that:

(1) a feasible method exists for the location of any families or natural persons who will be displaced from the community development area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to the families or natural persons;

(2) the community development block grants plan conforms substantially to the master plan of the municipality as a whole; and

(3) the community development block grants plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the community development area by private enterprise.

(b) A community development block grants plan may be modified at any time. If modified after the lease or sale of real property in the community development block grants project area, the modification may be conditioned upon whatever approval of the owner, lessee, or successor in interest as the municipality considers advisable. In any event, it shall be subject to whatever rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will change substantially the community development block grants plan as approved previously by the municipality, the modification shall be approved formally by the municipality, as in the case of an original plan.

(c) Upon the approval by the municipality of a community development block grants plan or of any modification of it, the plan or modification shall be considered to be in full force and effect for the respective community development area. The municipality may have the plan or modification carried out in accordance with its terms.

Section A1-108. Disposal of Property in Community Development Area.

(a) The municipality may sell, lease, or otherwise transfer real property or any interest in it acquired by it for a community development block grants project to any person for residential, recreational, commercial, industrial, educational, or other uses or for public use, or it may retain the property or interest for public use, in accordance with the community development block grants plan and subject to whatever covenants, conditions, and restrictions, including covenants running with the land, as it considers necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote the real property only to the uses specified in the community development block grants plan, and may be obligated to comply with whatever other requirements the municipality determines to be in the public interest, including the obligation to begin within a reasonable time any improvements on the real property required by the community development block grants plan. The real property or interest may not be sold, leased, otherwise transferred, or retained at less than its fair value for uses in accordance with the community development block grants plan. In determining the fair value of real property for uses in accordance with the community development block grants plan, the municipality shall take into account and give consideration to the uses provided in the plan, the restrictions upon, and the covenants, conditions, and obligations assumed by the purchaser or lessee or by the municipality retaining the property, and the objectives of the plan for the prevention of the recurrence of slum or blighted areas. In any instrument or conveyance to a private purchaser or lessee, the municipality may provide that the purchaser or lessee may not sell, lease, or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct on the property. Real property acquired by the municipality which, in accordance with the provisions of the community development block grants plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the community development block grants plan. Any contract for the transfer and the community development block grants plan (or whatever part or parts of the contract or plan as the municipality determines) may be recorded in the land records of the county in which the municipality is situated in a manner so as to afford actual or constructive notice of it.

(b) The municipality may operate temporarily and maintain real property acquired by it in a community development area for or in connection with a community development block grants project pending the disposition of the property as authorized in this appendix, without regard to the provisions of subsection (a), for uses and purposes considered desirable even though not in conformity with the community development block grants plan.

(c) Any instrument executed by the municipality and purporting to convey any right, title, or interest in any property under this appendix shall be presumed conclusively to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

Section A1-109. Eminent Domain.

Condemnation of land or property under the provisions of this appendix shall be in accordance with the procedure provided in the Real Property Article of the Annotated Code of Maryland.

Section A1-110. Encouragement of Private Enterprise.

The municipality, to the extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity to the rehabilitation or redevelopment of any community development area by private enterprise consistent with the sound needs of the municipality as a whole. The municipality shall give consideration to this objective in exercising its powers under this appendix.

Section A1-111. General Obligation Bonds.

For the purpose of financing and carrying out of a community development block grants project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorization of general obligation bonds by the municipality, and also within limitations determined by the municipality.

Section A1-112. Revenue Bonds.

(a) In addition to the authority conferred by Section A1-111 of this appendix, the municipality may issue revenue bonds to finance the undertaking of any community development block grants project and related activities. Also, it may issue refunding bonds for the payment or retirement of the bonds issued previously by it. The bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with the undertaking and carrying out of community development block grants projects under this appendix. However, payment of the bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other source, in aid of any community development block grants projects of the municipality under this appendix, and by a mortgage of any

community development block grants project, or any part of a project, title to which is in the municipality. In addition, the municipality may enter into an indenture of trust with any private banking institution of this State having trust powers and may make in the indenture of trust covenants and commitments required by any purchaser for the adequate security of the bonds.

(b) Bonds issued under this section do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, are not subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds, and are exempted specifically from the restrictions contained in Sections 9, 10, and 11 of Article 31 of the Annotated Code of Maryland. Bonds issued under the provisions of this appendix are declared to be issued for an essential public and governmental purpose and, together with interest on them and income from them, are exempt from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality. They may be issued in one or more series and:

- (1) shall bear a date or dates;
- (2) mature at a time or times;
- (3) bear interest at a rate or rates;
- (4) be in a denomination or denominations;
- (5) be in a form either with or without coupon or registered;
- (6) carry a conversion or registration privilege;
- (7) have a rank or priority;
- (8) be executed in a manner;
- (9) be payable in a medium or payment, at a place or places, and be subject to terms of redemption (with or without premium);
- (10) be secured in a manner; and
- (11) have other characteristics, as are provided by the resolution, trust indenture, or mortgage issued pursuant to it.

(d) These bonds may not be sold at less than par value at public sales which are held after notice is published prior to the sale in a newspaper having a general circulation in the area in which the municipality is located and in whatever other medium of publication as the municipality may determine. The bonds may be exchanged also for other bonds on the basis of par. However, the bonds may not be sold to the federal government at private sale at less than par, and, in the event less than all of the authorized principal amount of the bonds is sold to the

federal government, the balance may not be sold at private sale at less than par at an interest cost to the municipality which does not exceed the interest cost to the municipality of the portion of the bonds sold to the federal government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix cease to be officials of the municipality before the delivery of the bonds or, in the event any of the officials have become such after the date of issue of them, the bonds are valid and binding obligations of the municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix are fully negotiable.

(f) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this appendix, or the security for it, any bond which recites in substance that it has been issued by the municipality in connection with a community development block grants project shall be considered conclusively to have been issued for that purpose, and the project shall be considered conclusively to have been planned, located, and carried out in accordance with the provisions of this appendix.

(g) All banks, trust companies, bankers, savings banks, and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix. However, the bonds and other obligations shall be secured by an agreement between the issuer and the federal government in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of the bonds or other obligations, moneys in an amount which (together with any other moneys committed irrevocably to the payment of principal and interest on the bonds or other obligations) will suffice to pay the principal of the bonds or other obligations with interest to maturity on them. The moneys under the terms of the agreement shall be required to be used for the purpose of paying the principal of and the interest on the bonds or other obligations at their maturity. The bonds and other obligations shall be authorized security for all public deposits. This section authorizes any persons or public or private political subdivisions and officers to use any funds owned or controlled by them for the purchase of any bonds or other obligations. With regard to legal investments, this section may not be construed to relieve any person of any duty of exercising reasonable care in selecting securities.

Section A1-113. Short Title.

This appendix shall be known and may be cited as the North Beach Community Development Act.

Section A1-114. Authority to Amend or Repeal.

This appendix, enacted pursuant to Article III, Section 61 of the Constitution of Maryland, may be amended or repealed only by the General Assembly of Maryland.

NOTES

(1) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted community development to the Town of North Beach in Chapter 709 of the Acts of the General Assembly of 1978.

Starting with the 1997 Supplement to the *Public Local Laws of Maryland – Compilation of Municipal Charters*, the powers concerning community development for the Town of North Beach appear as this appendix in accordance with 80 *Opinions of the Attorney General* _____ (1995) [Opinion No. 95–037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.

(2) Resolution No. 04–01, effective April 2, 2004, contains a clerical error and refers to Section 19–1301 as 19–301. The town has indicated to this Department that the section referred to should be 19–1301. Therefore the changes indicated have been made to Section 19–1301.